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LIMITS PENSION PAYMENTS THAT NEW PUBLIC EMPLOYEES MAY RECEIVE UPON RETIREMENT. INITIATIVE STATUTE

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LIMITS PENSION PAYMENTS THAT NEW PUBLIC EMPLOYEES MAY RECEIVE UPON RETIREMENT. INITIATIVE
STATUTE California Initiative 1435 (2010).
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DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

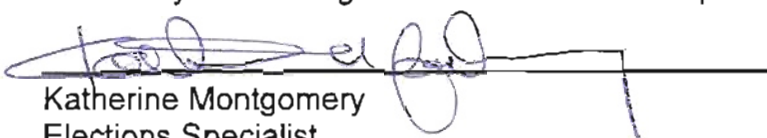
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

July 2, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10227

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Elections Specialist

RE: Initiative: Failure of #1435, Related to Public Employee Benefits

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative statute filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: LIMITS PENSION PAYMENTS THAT NEW PUBLIC
EMPLOYEES MAY RECEIVE UPON RETIREMENT.
INITIATIVE STATUTE.

SUMMARY DATE: January 15, 2010

PROPONENT: John Romano



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

January 15, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10024

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1435, Related to Public Employee Benefits

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**LIMITS PENSION PAYMENTS THAT
NEW PUBLIC EMPLOYEES MAY RECEIVE
UPON RETIREMENT. INITIATIVE STATUTE.**

The proponent of the above-named measure is:

John Romano

pensionlimitationlaw@yahoo.com

#1435

**LIMITS PENSION PAYMENTS THAT
NEW PUBLIC EMPLOYEES MAY RECEIVE
UPON RETIREMENT. INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required:433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date:Thursday, 01/14/10
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Thursday, 01/14/10
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a)) Monday, 06/14/10*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b)) Thursday, 06/24/10

(If the Proponent files the petition with the county on a date prior to
06/14/10, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties Saturday, 07/03/10**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e)) Friday, 08/13/10

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

** Date varies based on the date of county receipt.

INITIATIVE #1435

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/03/10, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)).....Monday, 08/23/10*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). Wednesday, 10/06/10

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 08/23/10, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033)..... Sunday, 10/10/10*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

January 14, 2010

FILED
In the office of the Secretary of State
of the State of California

JAN 15 2010

Honorable Debra Bowen
Secretary of State of the State of California
State of California Elections
1500 11th Street, 5th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State

By 
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Associate Elections Analyst

Dear Secretary Bowen:

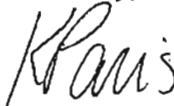
Pursuant to Elections Code, section 9004, you are hereby notified that on this day we sent our title and summary for each of the following proposed initiatives to the respective proponent:

- 09-0075, "New Public Employees Benefits Reform Act." [V-1.]
- 09-0076, "New Public Employees Benefits Reform Act." [V-2.]
- 09-0080, "Public Employee Pension Limitation Law."

A copy of the title and summary and text of each initiative is enclosed.

Please contact me if you have any questions. Thank you.

Sincerely,



KRYSTAL M. PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

January 14, 2010

Page 2

Proponents:

09-0075 & 09-0076

Marcia Fritz, President

California Foundation for Fiscal Responsibility

5530 Birdcage Street, STE 105

Citrus Heights, CA 95610

09-0080

John Romano

pensionlimitationlaw@yahoo.com

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

LIMITS PENSION PAYMENTS THAT NEW PUBLIC EMPLOYEES MAY RECEIVE

UPON RETIREMENT. INITIATIVE STATUTE. Limits the amount of pension payments that any new state or local public employee may receive upon retirement to \$100,000 per year.

Allows annual cost-of-living increases in proportion to the California Consumer Price Index, so long as total annual pension payments do not exceed \$162,500. Prohibits the Legislature from adjusting these limits unless three-quarters of both houses approve. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government:

Minor reductions in annual public sector pension costs in the short run. Major reductions in annual public sector pension and retiree health payments several decades from now.

Possible increases in other public employee compensation costs, depending on future decisions made by governmental entities and voters. (09-0080.)

09 - 0080

RECEIVED

NOV 10 2009

11/04/09

Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General:

I hereby request that a title and summary of the chief purpose and points of a proposed initiative measure, named the PUBLIC EMPLOYEE PENSION LIMITATION LAW, be prepared by your office.

Attached is the text of the measure along with a check for \$200.

I can be reached at the below phone number should you have any questions.

Kind regards,

John Romano

Public Contact Information:

John Romano
pensionlimitationlaw@yahoo.com

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

12-point
Boldface
Type

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

Type: Roman
Boldface not
smaller than
12-point

We, the undersigned, registered, qualified voters of California, residents of County (or City and County), hereby propose to add the following provision to the Government Code of California, relating to public employee pensions, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory addition (full title and text of measure) reads as follows:

PUBLIC EMPLOYEE PENSION LIMITATION LAW

SECTION 1. Section 7500.5 is added to the Government Code, to read:

7500.5. (a) This section shall apply to any state or local public employee first hired on and after the effective date of its provisions. The limitations in this section do not apply to any other benefit that is not a retirement allowance.

(b) The pension of any public employee to whom this section applies, which is paid by a state or local public retirement system, shall not exceed one hundred thousand dollars (\$100,000) per year at the time when the employee first begins to receive payment. The limit on the amount of a pension paid annually to an individual public employee retiree may subsequently be adjusted only pursuant to the process described in subdivision (c).

(c) The retirement board that administers the payment of a pension to a public employee retiree subject to this section may annually increase the amount of the pension paid to an individual retiree to reflect the proportional increase in the Consumer Price Index for California, as determined by the United States Bureau of Labor Statistics, for the previous year and the resulting amount may exceed the limit described in subdivision (b) for that retiree. These increases may be compounded, but no pension of a public employee retiree subject to this section, regardless of its initial amount, shall exceed, in any instance, one hundred sixty-two thousand five hundred dollars (\$162,500) per year.

(d) This section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, at least three-quarters of the membership concurring, or by a statute that becomes effective only when approved by the electors.